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MAR 7, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT2008 MAR -7 PM 1:11
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONDorothy MurphyRJ. Abston - dependent (18)Darnell Abston - dependent (16)Laurel Abston - dependent (15)

(Name of the plaintiff or plaintiffs)

Barry v. GansKenneth A. HenryAnthony J. MascipintoPinnacle Health Careof Berwyn

(Name of the defendant or defendants)

CIVIL ACTION

06C521

NO. _____

08CV1410

JUDGE MANNING

MAGISTRATE JUDGE BROWN

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Dorothy Murphy of the
county of Berwyn in the state of IL.
3. The defendant is Barry Gans, whose
street address is 1314 N. Wicker Park Chicago, IL 60622
(city) Chicago (county) COOK (state) IL (ZIP) 60622
(Defendant's telephone number) () -
4. The plaintiff sought employment or was employed by the defendant at (street address)
3601 S. Dearborn Ave (city) Harlem Ave
(county) Berwyn (state) IL (ZIP code) 60402
5. The plaintiff [check one box]
 - (a) ☐ was denied employment by the defendant.
 - (b) ☐ was hired and is still employed by the defendant.
 - (c) ☒ was employed but is no longer employed by the defendant.

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6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) Aug, (day) 01, (year) 2005.

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box] ☐ has ~~not~~ ☒ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) _____ (day) _____ (year) _____.

(ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

(b) If charges were filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☒ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) _____ (day) _____ (year) _____.

c. Attached is a copy of the Notice of Right to Sue Notice

a. Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

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2008 MAR -7 PM 6:00

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a Notice of Right to Sue.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a Notice of Right to Sue, which was received by the plaintiff on (month) _____ (day) _____ (year) _____ a copy of which Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check only those that apply]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

(c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)

(d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

(e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

(f) ☐ Religion (Title VII of the Civil Rights Act of 1964)

(g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. ~~Added~~ ☒ retaliation * character of defemacin * front pay back pay and job back
If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [check only those that apply]

(a) ☐ failed to hire the plaintiff.

(b) ☐ terminated the plaintiff's employment.

(c) ☐ failed to promote the plaintiff.

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2008 MAR -7 PM 6:01

- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;

(h) ☒ other (specify): Fail to relieve Cause & File grievance which was within the Contract agreement that the employees and the Unions had agree upon which was sign Contract to work M-W-F-S-S with S.E. T.D.U.

Local 4 - Union and Pinnacle Healthcare of Berwyn, they was constantly taking my days & hours

13.

The facts supporting the plaintiff's claim of discrimination are as follows:

Also hold.

Pay also those was my schedule work days unemployed found me

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

NOT INSULTOR nation so why don't I have my job BACK

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(f) ☒

Direct the defendant to (specify):

2008 MAR -7 PM 6:11 2008 MAR -7 PM 6:11
 Pay whole Severance
 package for punitive damages emotional,
 mental, and physically financial distress,
 Front pay, Backpay, holiday pay, pension,
 retirement, retroactive, from the time
 of discharge, which was wrongful discharge.

(g) ☒

If available, grant the plaintiff appropriate injunctive relief, lost wages,
 liquidated/double damages, front pay, compensatory damages, punitive damages,
 prejudgment interest, post-judgment interest, and costs, including reasonable attorney
 fees and expert witness fees.

(h) ☐

Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Dorothy Murphy

(Plaintiff's name)

Dorothy Murphy

(Plaintiff's street address)

P.O. Box 10817

(City) Chicago (State) IL (ZIP) 60610

(Plaintiff's telephone number) (1) - 773-544-6884

Date: 03-7-08